



VOL. XXXV.

HONOLULU, HAWAII TERRITORY, TUESDAY, DECEMBER 23, 1902.

PRICE FIVE CENTS.

Hawaiian Opera House

Tuesday Evening, December 30,
At 8 o'clock.

THE

Kilohana Art League Dramatic Circle

Will present the following one act
plays and musical number:

"In Honor Bound"

Tell Me Pretty Maiden From

"Florodora"

and

"My Turn Next"

Prices: \$1.50, \$1.00, 75 cents and 50
cents.Seats on sale at Wall, Nichols Co.,
Ltd.

AT THE

Orpheum

A FIRST CLASS ENTERTAINMENT

BY THE

Palama Dramatic Co.

FOR

ONE NIGHT ONLY

Grand production of a series of interest-
ing incidents in HAWAIIAN DANC-
ING, adapted for the stage by H. C.
Ulukou, manager.

Saturday, December 27.

The following Hawaiian dances will
be given: Alaapapa, Pahu, Uliuli, Pulli,
Hula, Oheo, Palamauma.And Dandy Ione, the Dude with his
Hula Girls.Box plan will be open at the Orpheum
on Tuesday, when tickets can be had.

Have a Bath

and a good night's
rest?

The von Hamm-Young Co.,

—LIMITED—

have just received a
full line of

Bath Robes

AND

PAJAMAS

which they offer you
at wholesale prices.

ORDER OF

J. E. GOEAS

FOR YOUR

Christmas Dinner

Mince Meat, Citron Peel, Lemon
Peel, Orange Peel, Seeded Raisins,
Seedless Raisins, Currants, Nuts,
etc. Beretania and Emma Streets.
Phone 2312 Blue.A Most Acceptable
Gift for XmasDon't wait 'till the last minute.
We want you to take that which
suits you best. You choose the
style and we furnish you the best
photographs you can get anywhere.IS A FOTO OF
YOURSELF

J. J. WILLIAMS

Photographer

Entrance Fort St., Boston Block.

Excursion to Volcano!

LEAVE HONOLULU

TUESDAY, DECEMBER 23,

RETURN HONOLULU

TUESDAY, DECEMBER 30,

\$40--PAYS ALL EXPENSES--\$40

For particulars, see

RICHARD H. TRENT, General Agt
Cor. Fort and Merchant Sts.LONG WAIT
FOR SUMNERCase Is Continued
Until Next
Friday.MAGOON WANTS A
CHANCE TO DEFENDAgreement to Appoint W. O.
Smith as Trustee in Place of
Bishop Gulstan.

The Sumner case went over again yesterday until Friday morning because of the illness of Attorney J. A. Magoon, and on that day another motion for continuance will be submitted on behalf of Humphreys' clients, the Ellis children. Yesterday's proceedings were marked by the usual "quips and quiddits of lawyers" and Sumner seems a long way yet from getting possession of his \$48,000, despite the assurances and well-wishes of his two branches of relatives and the numerous attorneys who are interested in the case. Yesterday there was a proposition to relieve Bishop Gulstan of the trusteeship because of his critical illness, and W. O. Smith was agreed upon as his successor, though the attorneys are still quarreling as to the effect this substitution would have upon the trust deed, and quite incidentally the \$48,000.

When the case was called up yesterday morning before Judge De Bolt, E. C. Peters, representing Maria S. Davis, asked for a continuance because of the illness of Mr. Magoon who is associated in the case, and who desired to reply to the accusations made by Humphreys, against his personal integrity. Humphreys agreed to the continuance on behalf of the Ellis children, but Davis objected for the defendant, John K. Sumner, and asked for immediate trial. Davis proposed a settlement of the case, suggesting that Humphreys should agree to the discharge of the Bishop and the release of the \$48,000 as the Ellises had already received \$30,000. Humphreys offered to allow the discharge of the Bishop if the remaining counsel would agree to the appointment of a successor. Court adjourned until afternoon to give counsel an opportunity to agree on this point.

In the afternoon Davis offered to stipulate that W. O. Smith be appoint-

ed trustee to succeed the Bishop, but with the provision that the suit be carried on as instituted. Humphreys objected to this saying that Smith might want to discontinue the proceeding entirely, and consent that Sumner have the \$48,000. Mr. Davis said that the Bishop would probably never be able to give his testimony and that he wanted the case tried at once. Davis related incidentally a bet he had made of \$100 over the outcome of a habeas corpus case which he had won from Humphreys, but he had refused to accept the money. He agreed to have W. O. Smith substituted as trustee and said that it was not necessary to have Mr. Magoon present, as he would get his fees anyway. "His partner, Mr. Peters, is here," continued Davis, "and will have to launch out into these higher matters sooner or later, and might just as well do it now as any other time. I was attorney of record in the Kamalo case and when I left for San Francisco they had my name stricken from the record and went into the trial of the case, but I got my rights anyway."

"You are not going to California now, are you?" asked Judge De Bolt.

"I don't know, I am going north as soon as I can get away, but never will I leave until the Sumner case is settled."

Humphreys said that there could be no substitution of a trustee and still have the action carried on as at present. "While Mr. Smith is a pious man, he is not reverend nor unduly concerned with spiritual affairs," said the attorney, picking out further variances in the petition of Bishop Gulstan. Judge De Bolt asked how the case could be carried on with a new trustee, if the same facts ceased to exist, to which Davis replied that there should be a stipulation to carry on the suit. The court stated that the matter of appointment of trustee should be approached with great deliberation, and that the new trustee might not take the same position as that maintained by the Bishop. He said further that the matter was too badly mixed up for an immediate hearing.

Mr. Peters then renewed his motion for a continuance saying that Mr. Magoon should be given a chance to defend himself from the charges brought against him. He said Magoon had his reputation to care for, as well as his right to future practice, and the matter should not be lightly dealt with. Peters charged Davis with wanting to go ahead of his own accord, while if circumstances had been reversed he would have been the first to ask for a chance to defend his reputation. Davis replied that if there was anything scandalous in the answer of Humphreys the court would strike it out of its own motion and that no trouble would follow the allegations concerning Mr. Magoon as they were but "verbiage." Judge De Bolt set the hearing for Friday morning at ten o'clock saying that the case would have to proceed at that time, unless very good reason for a continuance was given. Just as court adjourned Humphreys attempted to serve upon Peters his motion for a second continuance, but the service was refused. This is the motion on behalf of the Ellis heirs setting out their absence from the Territory, and the illness of Bishop Gulstan. Davis predicted after the adjournment of court that it would take two years to finally dispose of the case.

CHRISTMAS SERVICE
AT THE Y. W. C. A.

Tomorrow at noon a special Christmas song service will be given in the Y. W. C. A. rooms. Mrs. T. Clive Davies will preside at the piano and Miss Alice Davies will sing a Christmas carol and one other solo.

The luncheon tomorrow will be of a slightly Christmas character, and the rooms will be closed the following day. The Association appreciates very much Christmas gifts of books that have been made. Mrs. B. F. Dillingham has also made a Christmas gift of spoons for the lunch room. Mr. and Mrs. Gill presented the following books: "Kate Field, a Record," by Lillian Whiting; "Julety, a Story of Old Kentucky," by Lucy Cleaver McElroy; "When Blades are Out and Love's Afield," by Cyrus Townsend Brady; "Heather Mistress," by Amy LeFevre; "Mistress Barbara," by Halliwell Cutcliffe; "An Affair of the South Seas," by Leigh H. Irvine; "Sweetheart Manette," by Maurice Thompson; "The Eagle's Heart," by Hamlin Garland; "Blennersbasset," by Chas. Felton Pidgeon; "Quo Vadis," by Henryk Sienkiewicz; "Mrs. Clyde," by Julien Gordon; "The Lover Fugitives," by John Finnemore; "Beneath Hawaiian Palms and Stars," by Dr. E. S. Goodhue; "A Royal Exchange," by J. MacLaren Cobban; "The Penitents," by Louis Howe; "Pine Ridge Plantations," by Wm. Drysdale.

When you are lonesome you realize what poor company you are.—Life.

SETTLEMENT
IS IN SIGHTDowsett Case to Be
Taken Out of
Court.KAIKAINAHOOLE
CASES DISMISSEDVivas Gets an Attorney's Fee.
Isaac Noar Cited for Con-
tempt of Court.

The case of Ernest L. Heuter, trustee for Mrs. Heuter (nee Widemann) vs. J. M. Dowsett, a suit to terminate the trust deed held by Mr. Dowsett, will probably be settled out of court according to the announcement made yesterday morning before Judge Robinson. In the suit it was alleged that Dowsett obtained control over Mrs. Heuter's property wrongfully while she was a minor and refused to turn over certain property. In the answer filed by Mr. Dowsett sensational allegations were made concerning Miss Widemann's marriage engagements and the trial promised to be exceedingly interesting. Mr. Wilder, for plaintiff, asked yesterday morning for an immediate hearing of the case, but Judge Stanley, appearing for Dowsett, objected and stated that negotiations were in progress looking to a settlement out of court. He stated that he had received advice to that effect from San Francisco and upon his motion the matter was continued for a week. Mr. Wilder stated that he had no intimation of settlement, the last advice received by him being to push the case to trial. He said afterwards that family reasons were probably responsible for the settlement.

VIVAS GETS HIS FEE.

Judge Robinson yesterday rendered judgment for the plaintiff in the case of J. M. Vivas vs. R. Codelro in the amount of \$200 and costs. Vivas sued for an attorney's fee which the defendant refused to pay. It appeared from the evidence that Vivas had made an agreement with Codelro to sell the latter's property, he to receive all in excess of \$300. In the meantime the defendant himself sold the land for \$500, and Vivas claimed \$200 as his fee. The court gave him judgment for that amount, the contract being admitted.

WITHDRAWS CASE.

The case of Koolau Kalkainahale vs. J. O. Carter and S. C. Allen, suit for an accounting and upon a mortgage, was dismissed yesterday upon motion of C. W. Ashford, attorney for the plaintiff. The case was on trial before Judge Gear and the defendants showed that there had been an actual payment of \$2,500 upon the mortgage in dispute whereupon the complainant dismissed the suit, stating that this proof was all that had been desired. There are two other cases in which the same matters are involved and these will also be dismissed. The case has been in litigation in district, circuit and supreme courts for the past six months almost to the exclusion of everything else. The plaintiff is still in possession of the property claimed under the foreclosure of mortgage.

Another suit involving the same land has been started against Ethel and Herman Kalkainahale by Ching Lum. He claims to have leased the land from Mrs. Kalkainahale May 16, 1900, for \$140 per year for a term of twelve years. He alleges now that S. C. Allen entered into possession and sold the land to J. O. Carter and that he has been damaged in the sum of \$7,912.50, for which amount he asks judgment.

SERVICE IS QUASHED.

In the case of Enterprise Mill Co. vs. Pacific Mill Co. et al., service was quashed by Judge Robinson as to Ernest May and W. H. Arneemann, garnishees. In the motion asking that this be done it was alleged that there had been no showing that either of these parties had property belonging to the defendant. Judge Robinson sustained that view, though plaintiff contended he had followed the statute literally. The court held that to allow anyone to be garnished without any showing as to possession of prop-

erty liable to such action, would cause endless annoyance.

NOAR CITED FOR CONTEMPT.

Isaac Noar, erstwhile candidate for Territorial Treasurer, has been cited to show cause why he should not be punished for contempt for failure to obey the order of the court in the case of Lee Chu and C. K. Ai vs. Isaac Noar. He is to appear before Judge Robinson this morning. Will E. Fisher was appointed as receiver for the Star block, owned jointly by the parties to the suit, and he alleges that Noar interfered with him by charging the tenants not to pay their rent. He says that Noar forcibly sought to eject him, and later he prevented him from entering the building.

BOYD WILL APPEAL.

Stipulations were filed yesterday in the Jas. H. Boyd embezzlement cases allowing thirty days in which to file exceptions to the order of the court denying defendant's motion to quash the so-called open venire for grand jurors therein; denying defendant's challenge to the array of grand jurors, denying defendant's plea to the jurisdiction of the court and denying defendant's plea in abatement.

SUMNER WANTS NEW TRIAL.

A motion for new trial has been filed by defendant in the case of Y. Ahin vs. John K. Sumner. Errors in admitting and rejecting evidence and in refusing defendant's instructions are alleged.

COURT NOTES.

Motion for default has been withdrawn in the case of S. Ozaki vs. Hawaii Land Co.

Judge Robinson yesterday legalized the adoption of Lee Bak Wong by Ho Tim.

A general denial has been entered in the divorce libel of Chise Fugishige vs. I. Fugishige.

An appraisal was filed yesterday showing the value of the George E. Boardman estate to be \$50,393.35. The inventory originally filed showed \$63,792.53 worth of property.

NATIONAL GUARD
APPOINTMENTS

The following order has been posted at National Guard headquarters telling of new appointments made and elections soon to be held:

General Headquarters, Territory of Hawaii.
Adjutant General's Office,
Honolulu, H. T., December 18th, 1902.
General Orders No. 7.

The following information is published for the benefit of the National Guard of Hawaii.

Elmer T. Winant, to be Captain and Quartermaster, 1st Regiment, N. G. H. With rank from November 18th, 1902.

Chas. W. Zeigler, to be Lieutenant, 1st Regiment, N. G. H. With rank from December 1st, 1902.

W. Russell Riley, to be Major, 1st Regiment, N. G. H. With rank from December 1st, 1902.

Thos. E. Wall, to be Major, 1st Regiment, N. G. H. With rank from December 1st, 1902.

John W. Short, to be Captain and Ordnance Officer. With rank from December 3rd, 1902.

An election will be held in the Company room, at the Drill Shed, on Monday, December 29th, 1902, at 7:30 p. m., for the election of the following officer:

One Captain Company "B," 1st Regiment, N. G. H., vice W. R. Riley, promoted.

Captain John Schaefer, Adjutant, 1st Regiment, N. G. H., will preside at the foregoing election.

By order of the Commander-in-Chief.
JOHN H. SOPER,
Adjutant General.

The commander of Co. "B," 1st Regiment, N. G. H., will assemble his command at the time and place above ordered. Uniform: Fatigue; sidearms. By order of Col. Jones.

(Signed) JOHN SCHAEFER,
Captain and Adjutant.

WHAT IS A COUGH?

A spasmodic effort to expel the mucus from the bronchial tubes. A cold causes a more abundant secretion of mucus, and when the lungs and bronchial tubes are inflamed, they are extremely sensitive to the irritation. Unless care is taken, the cold may result in pneumonia, which is swift and deadly. If the cold is a lingering one, the more leisurely but equally fatal consumption may set in. Do not neglect a cold or cough. Take Chamberlain's Cough Remedy. It always cures and cures quickly. Benson, Smith & Co., Ltd., wholesale agents, sell it.

Rupert—"I say, papa, Ethel is so tired, and she would like to have a ride; couldn't you turn me into a little donkey?" Papa—"What do you mean, Rupert? You're talking dreadful nonsense!" Rupert—"Why, papa, I've heard uncle say you're always making a great ass of yourself, so you might this time just make a little donkey of me."—Punch.

PROFESSIONAL CARDS.

CONTRACTORS.

WM. F. PATY.—Contractor and Builder, store and office fitting; shop Alakea St., between King and Hotel; res., 1641 Anapuni.

DENTISTS.

ALBERT B. CLARK, D.D.S.—Beretania and Miller; office hours, 9 to 6. Porcelain inlay fillings a specialty.

M. E. GROSSMAN, D.D.S.—Alakea St., three doors above Masonic Temple, Honolulu; office hours, 9 a.m. to 4 p.m.

DR. A. C. WALL, D.R. O. E. WALL.—Office hours, 8 a.m. to 4 p.m.; Love Building, Fort St.; Tel. 434.

ENGINEERS.

ARTHUR C. ALEXANDER.—Surveyor and Engineer, 409 Judd bldg.; P. O. box 732.

CATTON, NEILL & CO., LTD.—Engineers, Electricians and Boiler-makers.

C. H. KLUEGEL.—Member of the American Society of Civil Engineers. Irrigation works and Railways, from survey to completion. Room 401 Stangenwald Building.

JAMES T. TAYLOR, M. Am. Soc. C. E.—Consulting Hydraulic Engineer; 300 Judd bldg., Honolulu; P. O. box 739.

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MUSICIANS.

COOK'S MUSIC SCHOOL.—Love Building, Fort street.

PHYSICIANS.

DR. MARY F. BARRY.—Office and residence No. 144 Beretania street. Tel. Blue 482.

DR. GEO. W. BURGESS.—Office and residence 240 S. King St., 10 a. m. to 3 p. m., and 7 p. m. Tel. Ma'i 128.

DR. J. B. DE FARIA.—(European).—Physician, Surgeon and Obstetrician. Office and residence, Metropole building, Alakea St. Office hours: From 8:30 to 10 a. m.; 2 to 4 and 7 to 8 p. m.

DR. K. HAIDA.—Office near Palama Chapel, King St. Office hours: 8 to 12 a. m., 7 to 8 p. m. Telephone 3521.

DR. T. MITAMURA.—Office 1463 Nuuanu St. Tel. White 153; 8 to 10 a. m., and 6 to 7:30 p. m.

TYPEWRITERS.

FOR SALE and rent at C. A. COWAN, Union St., opposite Pacific Club.

NOTICE.

PERSONS needing, or knowing of those who do need, protection from physical or moral injury, which they are not able to obtain for themselves may consult the Legal Protection Committee of the Anti-Saloon League, 9 McIntyre building. W. E. RICE, Supt.

Pacific Transfer Co.

JAS. H. LOVE, MANAGER.

MAIN 58.

Office, King St., opposite New Young Block.

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TO BUILDERSHAWAIIAN
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